



March 21, 2007

ENGROSSED SENATE BILL No. 157

DIGEST OF SB 157 (Updated March 15, 2007 11:50 am - DI 75)

Citations Affected: IC 36-12.

Synopsis: Library boards. Eliminates term limits for members of the board of a Class 1 public library. Authorizes a library board to adopt a resolution allowing money to be disbursed to advertise and promote the programs and services of the library. Provides that with the prior written approval of the library board, claim payments for these expenses may be made in advance of the library board's allowance. Provides that the boards of county contractual libraries established in certain counties have all the powers and duties of a Class 1 public library board.

Effective: July 1, 2007.

Gard, Deig

(HOUSE SPONSORS — AUSTIN, RICHARDSON)

January 8, 2007, read first time and referred to Committee on Local Government and Elections.

January 18, 2007, reported favorably — Do Pass.

January 22, 2007, read second time, ordered engrossed. Engrossed.

January 23, 2007, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 26, 2007, read first time and referred to Committee on Local Government.

March 20, 2007, amended, reported — Do Pass.

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ES 157—LS 6869/DI 73+



March 21, 2007

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 157

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-12-2-8, AS ADDED BY P.L.1-2005, SECTION
2 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,
3 2007]: Sec. 8. (a) Except as provided in subsection (b); An appointee
4 to a library board may not serve more than four (4) consecutive terms
5 on the library board. The consecutive terms are computed without
6 regard to a change in the appointing authority that appointed the
7 member or the length of any term served by the appointee. If:
8 (1) a member's term is interrupted due to the merger of at least
9 two (2) public libraries under IC 36-12-4; and
10 (2) the member is reappointed to the merged public library board;
11 the term that was interrupted may not be considered in determining the
12 number of consecutive terms a member may serve on a library board.
13 **until the appointee's successor is appointed and qualified.**
14 (b) This subsection applies to a library board for a library district
15 having a population of less than three thousand (3,000). If an
16 appointing authority conducts a diligent but unsuccessful search for a
17 qualified individual who wishes to be appointed to serve on the library

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board:

(1) the appointing authority may reappoint a board member who has served four (4) or more consecutive terms; and

(2) state funds may not be withheld from distribution to the library.

The appointing authority shall file with the library board a written description of the search that was conducted under this subsection. The record becomes a part of the official records of the library board.

SECTION 2. IC 36-12-3-16, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 16. (a) The library board may adopt a resolution allowing money to be disbursed under this section for lawful library purposes, **including advertising and promoting the programs and services of the library.**

(b) With the prior written approval of the library board and if the library board has adopted a resolution under subsection (a), claim payments may be made in advance of library board allowance for any of the following types of expenses:

(1) Property or services purchased or leased from the federal government or the federal government's agencies and the state, the state's agencies, or the state's political subdivisions.

(2) Dues, subscriptions, and publications.

(3) License or permit fees.

(4) Insurance premiums.

(5) Utility payments or connection charges.

(6) Federal grant programs where:

(A) advance funding is not prohibited; and

(B) the contracting party posts sufficient security to cover the amount advanced.

(7) Grants of state funds authorized by statute.

(8) Maintenance and service agreements.

(9) Legal retainer fees.

(10) Conference fees.

(11) Expenses related to the educational or professional development of an individual employed by the library board, including:

(A) inservice training;

(B) attending seminars or other special courses of instruction;

and

(C) tuition reimbursement;

if the library board determines that the expenditures under this subdivision directly benefit the library.

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(12) Leases or rental agreements.

(13) Bond or coupon payments.

(14) Payroll costs.

(15) State, federal, or county taxes.

(16) Expenses that must be paid because of emergency circumstances.

(17) Expenses incurred to advertise and promote the programs and services of the library.

~~(17)~~ **(18)** Other expenses described in a library board resolution.

Each payment of expenses lawfully incurred for library purposes must be supported by a fully itemized invoice or other documentation. The library director must certify to the library board before payment that each claim for payment is true and correct. The certification must be on a form prescribed by the state board of accounts. The library board shall review and allow the claim at the library board's first regular or special meeting following the payment of a claim under this section.

(c) Purchases of books, magazines, pamphlets, films, filmstrips, microforms, microfilms, slides, transparencies, phonodiscs, phonotapes, models, art reproductions, and all other forms of library and audiovisual materials are exempt from the restrictions imposed by IC 5-22.

(d) The purchase of library automation systems must meet the standards established by the Indiana library and historical board under IC 4-23-7.1-11(b).

SECTION 3. IC 36-12-6-3, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The county contractual library board has all the powers and duties of other library boards under IC 36-12-3, except the power to **do either of the following**:

(1) Issue bonds under IC 36-12-3-9.

~~(b) The county contractual library may not~~ **(2) Enter into a lease** under IC 36-12-10.

(b) Notwithstanding subsection (a), the board of a county contractual library established in a county having a population of more than thirty-nine thousand six hundred (39,600) but less than forty thousand (40,000) has all the powers and duties of other library boards under IC 36-12-3.

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COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred Senate Bill No. 157, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 157 as introduced.)

LAWSON C, Chairperson

Committee Vote: Yeas 9, Nays 0.

SENATE MOTION

Madam President: I move that Senator Deig be added as coauthor of Engrossed Senate Bill 157.

GARD

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Senate Bill 157, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 36-12-2-8, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) Except as provided in subsection (b); An appointee to a library board may not serve more than four (4) consecutive terms on the library board. The consecutive terms are computed without regard to a change in the appointing authority that appointed the member or the length of any term served by the appointee. If:

(1) a member's term is interrupted due to the merger of at least two (2) public libraries under IC 36-12-4; and

(2) the member is reappointed to the merged public library board; the term that was interrupted may not be considered in determining the number of consecutive terms a member may serve on a library board: **until the appointee's successor is appointed and qualified.**

(b) This subsection applies to a library board for a library district

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having a population of less than three thousand (3,000). If an appointing authority conducts a diligent but unsuccessful search for a qualified individual who wishes to be appointed to serve on the library board:

- (1) the appointing authority may reappoint a board member who has served four (4) or more consecutive terms; and
- (2) state funds may not be withheld from distribution to the library.

The appointing authority shall file with the library board a written description of the search that was conducted under this subsection. The record becomes a part of the official records of the library board."

Page 2, after line 41, begin a new paragraph and insert:

"SECTION 3. IC 36-12-6-3, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The county contractual library board has all the powers and duties of other library boards under IC 36-12-3, except the power to **do either of the following**:

- (1) Issue bonds under IC 36-12-3-9.
- (b) The county contractual library may not (2) Enter into a lease under IC 36-12-10.

(b) Notwithstanding subsection (a), the board of a county contractual library established in a county having a population of more than thirty-nine thousand six hundred (39,600) but less than forty thousand (40,000) has all the powers and duties of other library boards under IC 36-12-3."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 157 as printed January 19, 2007.)

SMITH V, Chair

Committee Vote: yeas 10, nays 0.

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